

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

MELISSA V. BRUNSON

PLAINTIFF

VS.

CIVIL ACTION NO. 3:14-cv-231-WHB-RHW

NANCY A. BERRYHILL,  
ACTING Commissioner of Social Security

DEFENDANT

OPINION AND ORDER

This cause is before the Court on the Report and Recommendation ("R and R") of United States Magistrate Judge Robert H. Walker. In his R and R, Judge Walker recommends that the decision of the Commissioner of Social Security to deny Melissa V. Brunson's application for Supplemental Security Income and Disability Insurance Benefits be affirmed. After considering the R and R<sup>1</sup>, the other pleadings in this case, as well as relevant authorities, the Court finds the R & R should be adopted in its entirety.

**I. Discussion**

Melissa V. Brunson ("Brunson") filed an application for Supplemental Security Income and Disability Insurance Benefits. Following the initial denial of her application, and an unfavorable

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<sup>1</sup> The parties were required to file objections to the R and R on or before February 20, 2018. No objections were filed.

decision at the administrative level, Brunson sought review in this Court. On Motion of the Commissioner, Brunson's case was remanded to the Social Security Administration for further proceedings. On remand, Brunson's claims were heard by Administrative Law Judge L. Dawn Pischek who, on October 26, 2015, entered a decision denying Brunson's SSI and DIB claims. The Appeals Counsel denied Brunson's request for review. Thereafter, on motion, this case was re-opened and both parties filed competing motions with respect to the Commissioner's decision.

In her Motion for Summary Judgment, Brunson argues that the Commissioner's decision should be reversed based on the following errors: (1) the Commissioner erred by failing to appropriately weigh the diagnoses and medical opinions of her treating and examining doctors; (2) the Commissioner erred by making credibility determinations that were adverse to her; and (3) the Commissioner's decision regarding evidence of decompensation was too restrictive, and did not comport with governing regulations. The Commissioner moved to affirm her prior decision.

The matter came before United States Magistrate Judge Robert H. Walker who, after considering the pleadings including Brunson's assignments of error, the administrative record, and relevant authorities, found there was substantial evidence to support the ALJ's credibility determinations as well as her other decisions regarding whether Brunson was disabled for the purposes of the

Social Security Act. See R and R [Docket No. 27]. Based on these findings, Judge Walker recommended that Brunson's Motion for Summary Judgment be denied, and Defendant's Motion to Affirm Commissioner's Decision be granted. Id.

A district judge has authority to review a magistrate judge's report and recommendation on dispositive motions, and is required to make a *de novo* determination of any portion of a report and recommendation to which a specific written objection is made. See 28 U.S.C. § 636(b); FED. R. CIV. P. 72(b). Thereafter, the district judge may accept, reject, or modify the recommendation of the magistrate; receive further evidence in the case; or recommit the matter to the magistrate with further instructions. Id. No objections to Judge Walker's R and R have been filed.

Having reviewed the R and R, to which no objections were filed, the Court agrees that Brunson's Motion for Summary Judgment should be denied, and Defendant's Motion to Affirm Commissioner's Decision should be granted for the reasons stated by Judge Walker. Accordingly, the Court will adopt Judge Walker's R and R. As the granting of the Motion to Affirm Commissioner's Decision will end judicial review in this Court, a final judgment dismissing this case will be entered.

## **II. Conclusion**

For the foregoing reasons:

IT IS THEREFORE ORDERED that the February 6, 2018, Report and Recommendation of United States Magistrate Judge Robert H. Walker [Docket No. 27], is hereby adopted as the ruling of this Court.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [Docket No. 22] is hereby denied.

IT IS FURTHER ORDERED that Defendant's Motion to Affirm Commissioner's Decision [Docket No. 24] is hereby granted. A Final Judgment dismissing this case shall be entered this day.

SO ORDERED this the 22nd day of February, 2018.

s/ William H. Barbour, Jr.  
UNITED STATES DISTRICT JUDGE